

**(2022) 11 PAT CK 0004**

**Patna High Court**

**Case No:** Civil Writ Jurisdiction Case No. 4676 Of 2021

Shivjee Thakur

APPELLANT

Vs

State Of Bihar

RESPONDENT

**Date of Decision:** Nov. 1, 2022

**Hon'ble Judges:** Harish Kumar, J

**Bench:** Single Bench

**Advocate:** Nikhil Kumar Agrawal, Umesh Narayan Dubey, Raj Nandan Prasad

**Final Decision:** Disposed Of

**Judgement**

1. Heard Mr. Nikhil Kumar Agrawal, learned counsel for the petitioner, Mr. Umesh Narayan Dubey, learned AC to GP-27 for the State and Mr. Raj

Nandan Prasad, learned counsel for Accountant General, Bihar.

2. In compliance of the order dated 29.09.2022, an interlocutory application, bearing I.A. No. 1 of 2022, for amending the cause title, has been filed.

3. In view of the submissions made on behalf of learned counsel for the petitioner, I.A. No. 1 of 2022 is hereby allowed and the office is directed to

make necessary correction in the cause title, as has been mentioned in para.1 of the interlocutory application.

4. The present writ application has been filed for the following reliefs:

(i) To issue an appropriate order/direction in the nature of Mandamus directing the Respondents to revise the Pension payable to the Petitioner

w.e.f. 01.07.2007 by granting the benefit of ACP and Sixth Pay Revision and pay the arrears arising thereof.

(ii) To issue an appropriate order/direction in the nature of Mandamus directing the Respondents to grant the benefit of ACP to the petitioner w.e.f.

04.02.2003 in the pay scale of 6,500- 200 " 10,500/-and pay the arrears arising thereof;

(iii) To issue an appropriate order/direction in the nature of Mandamus directing the Respondents to grant the benefit of Sixth Pay Revision to the

petitioner w.e.f. 01.01.2006 in the pay scale of 9,300-34,800 (PB-2) with grade pay of 4,800/- and pay the arrears arising thereof;

(iv) To issue an appropriate order/direction in the nature of Mandamus directing the Respondents to also revise the gratuity and leave encashment

payable to the Petitioner pursuant to revision of pension and pay the arrears arising thereof along with interest @ 18% on the delayed payment;

(v) To issue an appropriate order/direction in the nature of Mandamus directing the Respondents to forthwith release the arrears of difference of

salary payable to the Petitioner in view of the enhancement of pay pursuant to grant of ACP and 6th pay revision along with up-to-date interest @

18% till the date of actual payment;

(vi) To issue an appropriate order/direction in the nature of Mandamus directing the Respondents to forthwith pay up-to-date statutory interest on the

delayed payment of the arrears of pension after revision;

(vii) To issue an appropriate order/direction in the nature of Mandamus directing the Respondents to produce the service book of the Petitioner;

(viii) To any other relief or reliefs for which the Petitioners are found entitled to in the facts and circumstances of the case."

5. It is submitted on behalf of the learned counsel for the petitioner that the petitioner joined the services on 16.11.1970 in the Lower Subordinate

Education Service (LSES) Cadre on the post of teacher. After serving more than 36 years of service, the petitioner superannuated on 30.06.2007

from the post of Block Education Extension Officer, Dhanarua, Patna on the last pay drawn of Rs.13,500/-. It is further contended that the case of the

petitioner is at par with late Anant Kumar Choudhary, who had also joined the SES cadre, like the petitioner on the same date i.e. on 04.02.1991.

Further, it has also been contended that the other persons, junior to the petitioner, have also been granted the benefit of ACP vide order dated

11.09.2008, however, discrimination has been caused and the petitioner has not been granted the similar relief, as has been granted to the other

similarly situated persons, as has been mentioned in para 8 and 9 of the writ application.

6. Learned counsel for the State seeks time to respond in the matter.

7. In view of the assertions made on behalf of the learned counsel for the petitioner in para 8 and 9 of the writ application, the present writ application

is disposed of with a direction to the Director, Primary Education, Government of Bihar, Patna (respondent no.4) to consider the grievance of the

petitioner in view of the statements made in para 8 and 9 of the writ application and if the case of the petitioner is found similar to case of late Anant

Kumar Choudhary and others (juniors to the petitioner), the same benefit would be granted to the petitioner in accordance with law and all the

consequential benefits would be extended to the petitioner at the earliest, preferably within a period of eight weeks from the date of receipt/production

of a copy of this order.

8. With the aforesaid observations, the present writ application stands disposed of.